

PARCEL MAP DATA BRIEFING PAPER
MARCH 2, 2006

Background

Parcel map data have emerged as a geospatial framework data set of great value to the effective delivery of critical government services. The importance of parcel map data or land information to state government agencies has been well documented in a report, ***Digital Lands Records Information – Status, Needs and Implementation Options*** (2004), prepared by PSOMAS for the California Mapping Coordinating Committee (http://gis.ca.gov/council/docs/DLRI_Report_Final.pdf). A survey of the California GIS community recently completed by the California Resources Agency's CERES Program further validates this finding (http://gis.ca.gov/council/docs/GIS_Framework_Data_Survey_Results.pdf).

Last year private sector interests frustrated in their attempts to obtain parcel map data from some county assessor's requested that the Honorable Joe Nation, Member of the State Assembly, approach the California Attorney General for an opinion on the following:

1. Is parcel boundary map data maintained in an electronic format by a county assessor subject to public inspection and copying under provisions of the California Public Records Act?
2. If so, in what period of time must a county furnish a copy of the data upon request of a member of the public?
3. What fee may be charged by a county for furnishing a copy of the data to a member of the public?

The Attorney General offered an opinion on these questions on October 3, 2005 (No. 04-115). The entire text of the Attorney General's opinion should be read (http://gis.ca.gov/council/docs/Att_Gen_Parcel_Data_04-1105.pdf) in its entirety for details, but, in summary, the answers were as follows:

1. Parcel boundary map data maintained in an electronic format by a county assessor is subject to public inspection and copying under provisions of the California Public Records Act with limited exceptions. Related to this is the question of a possible exemption for a "computer mapping system." This was not found to apply; data does not a system make.
2. Parcel boundary map data maintained in an electronic format by a county assessor must be furnished "promptly" upon request of a member of the public. No definition of "promptly" was given.
3. The fee that can be charged for these data is limited to the direct cost of producing a copy of the record in the electronic format in which it is maintained.

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Current Initiatives

The DLRI Workgroup Initiative - The California GIS Council's Digital Land Records Information Workgroup under the leadership of Oscar Jarquin, Caltrans has recommended the Council should collaborate with County Assessors in resolving the question of implementation for a statewide DLRI solution. The prepared the following draft letter was prepared for consideration by the Council:

Date, 2006

Honorable _____, Assessor
_____ County Assessor's Office
_____, California

Subject: Digital Parcel Map Data Access

Dear Honorable. _____,

The digital parcel maps and related owner and address information that your county maintains are critically important public information. They are used by state and local police, fire fighters, emergency medical technicians and others to save and safeguard lives, health and property. This data is also used for many state, local, and federal agencies for other administrative uses such as permitting, property management, environmental protection, and hazards analysis. The digital parcel data has become a critical piece of the information framework supporting government and many private sector business functions.

However important this information is, it remains elusive to many potential users. Key obstacles to information access include high data access fees, limited data sharing agreements, inadequate data sharing policies, and a lack of a coordinated state-wide property information strategy. Other states such as Oregon and New York have implemented progressive partnership programs between state and local government to enhance the quality and accessibility of property information for all.

This letter is an invitation to partner with the State to identify strategies to improve the completeness, quality, and availability of digital parcel map and associated data. Your input and support is essential in framing a sustainable program addressing your county's needs along with those who need access to this data.

As you are aware, on October 3, 2005, the office of the California Attorney General published Opinion No. 04-1105 (<http://caag.state.ca.us/opinions/published/04-1105.pdf>), stating that digital parcel boundary map data are public records, subject to all conditions of the [California](#)

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[Public Records Act](#) (CPRA). The clear expectation is that these data will be promptly provided at a fee that does not exceed the cost of duplication.

The California Geographic Information Council believes the solution to meeting property information needs should be multi-faceted that address not only accessibility, but also assures adequate funding mechanisms for data maintainers to assure data maintenance and data enhancement. Moreover, an organized and coordinated approach is needed to effectively address concerns and needs of data providers and users.

We would be pleased if you would join with us to find a solution by which your needs as an Assessor to collect, maintain and distribute this information are met, so that these valuable data are made accessible and consistent across all of California.

The Council would also appreciate knowing your county's existing policies and issues regarding the release of digital parcel information. The attached survey form is provided to respond to key data access questions. This information is being collected for each county to better understand existing practices and issues.

Please let me know your thoughts and interest on this issue that affects most segments of our government and economy.

Chair,
California Geographic Information Council

The Joffe Initiative - Bruce Joffe, GIS Consultant, acting under the banner of the Open Data Consortium Project is pursuing a similar course of action and is actively seeking cosigners from California's GIS community for the following letter:

Date, 2006

Honorable _____, Assessor (also to be sent to County GIS Manager)
____ County Assessor's Office
____, California

Subject: California Public Records Act and Parcel Map Data

Dear Assessor _____,

As you are aware, on October 3, 2005, the office of the California Attorney General published Opinion No. 04-1105 (<http://caag.state.ca.us/opinions/published/04-1105.pdf>), stating that digital parcel boundary map data are public records, subject to all conditions of the [California Public Records Act](#) (CPRA). The clear expectation is that these data records will

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be promptly provided at a fee that does not exceed the cost of duplication. (Cf. Government Code Sections 6250-6270, notably, §6253(b), §6253.9(a)(2), et.al.)

The digital parcel map that your county maintains, and the related owner and address information linked to the parcels, are critically important public data. They are used by state and local police, fire fighters, emergency medical technicians and others to save and safeguard lives, health and property. Moreover, they are used productively by many private businesses and individuals.

Some counties have data distribution policy, procedures and fiscal realities that conflict with the Attorney General's findings. They feel the CPRA places demands on their already overburdened county staff and budget to maintain parcel map data. Efforts by the California GIS Council (<http://gis.ca.gov/council/index.epl>) are underway to help soften the impact of CPRA request compliance. We would be pleased to work together to find a solution by which your county's needs to collect, maintain and distribute this information are met, in a way that these valuable data are made accessible and consistent across all of California.

Prior to making a formal request for your data, we, the undersigned respectfully request a copy of your county's data distribution policy as it relates to digital parcel boundary map data. Specifically, we want to know:

- (a) What formats are available for the digital parcel map data you hold? If only part of the county is digitally mapped, please describe the extent and condition.
- (b) What is the cost of these data records in a digital format?
- (c) How were these costs determined?
- (d) How soon would you provide the data after receipt of payment?
- (e) Beyond the parcel boundaries and APN identifiers, what other parcel data (descriptive attributes) would be included in your response?
- (f) If you have data sales contracts with commercial data distribution firms, please describe them.
- (g) Is there any other information you feel is pertinent to this matter?

Your prompt response to our request for information would be greatly appreciated. For your reference, enclosed is the result of a similar survey conducted in June, 2004. Please respond to me and I will share your information with all of the undersigned.

Sincerely,

Bruce Joffe

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Principal, GIS Consultants
Organizer, Open Data Consortium
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Which letter, if any, should CGIA endorse?

Both letters invite County Assessors to join in a collaborative effort to address this matter and both seek clarification of current data sharing policies and practices presumably as an update to the information collected for the PSOMAS report. The two letters differ somewhat in tone with the Joffe letter containing what could be seen as an implied threat of a follow up California Public Records Act request. The DLRI workgroup letter does not reference any follow up request for data. Beyond these differences, both letters are very similar.

Mr. Joffe has approach the CGIA to sign his letter. So CGIA has the immediate need to decide what, if anything, to do about this request. The DLRI workgroup recommendation will be offered as a GIS Council agenda item for their meeting at CalGIS in April.

On a final note, the GIS Council has received a letter from Mr. Warren Slocum, Chief Elections Officer and Assessor-County Clerk-Recorder for San Mateo County, expressing strong support for the Attorney General's opinion (see attachment). We also know that Los Angeles County is actively considering modifying their policy and practices to comply with the Attorney General's position on parcel map data (see attachment).